

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		Docket Number 22-46836
In re application of: Robert B. Rieveley	Group Art Unit:	
Application No. 08/804,903	Batch No.	
Filed: February 24, 1997	Examiner:	
For: METHOD AND COMPOSITION FOR THE TREATMENT OF DIABETES		
Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, DC 20231	 DEC 8 1997 OFFICE OF PETITIONS DEPARTMENT OF COMMERCE PATENTS	
<p>The above-identified patent application became abandoned for failure to file a timely and proper response to the Notice to File Missing Parts mailed on May 26, 1997, which set a two month period for response. The abandonment date of this application is July 6, 1997. Applicant certifies that the Notice to File Missing Parts was never received at the correspondence address listed on the Associate Power of Attorney filed with the patent application on February 24, 1997. Applicant therefore requests a refund of the petition fee set forth in 37 CFR § 1.17(m) (enclosed herewith) to Deposit Account No 02-4550.</p>		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>		
<b>1. Petition fee</b>		
(X) Small entity - fee \$ <u>605.00</u> (37 CFR § 1.17(m)) ( ) Small entity statement enclosed herewith. (X) Small entity statement previously filed. ( ) Other than small entity - fee \$1210.00 (37 CFR § 1.17(m))		
<b>2. Proposed response and/or fee</b>		
A. The proposed response and/or fee in response to the above-noted Notice to File Missing Parts: ( ) has been filed previously on _____. (X) is enclosed herewith.		
B. The issue fee of \$605.00 ( ) has been paid previously on _____. ( ) is enclosed herewith (X) is not yet required.		

3. Terminal disclaimer with disclaimer fee

(X) Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

( ) A terminal disclaimer (and disclaimer fee (37 CFR § 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Where a petition under 37 CFR § 1.137(b) is not filed within three months from the mail date of a notice of abandonment or one year from the date of abandonment, explain (on an attached sheet) in detail the cause of the delay in filing this petition.

December 4, 1998

Date

*William D. Noonan*

Signature

Telephone

Number: (503) 226-7391

William D. Noonan, M.D.

Typed or printed name

Klarquist Sparkman Campbell Leigh & Whinston, LLP  
One World Trade Center  
121 SW Salmon Street, Suite 1600  
Portland, Oregon 97202

Enclosures: (X) Response  
(X) Fee Payment

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with the sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

December 4, 1998

Date

*William D. Noonan*

Signature

William D. Noonan, M.D.

Typed or printed name of person signing Certificate

Attorney's Matter No. 22-46836

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Art Unit

Robert B. Rieveley

Application No. 08/804,903

Filed: February 24, 1997

For: METHOD AND COMPOSITION FOR  
THE TREATMENT OF DIABETES

Examiner:

Date: December 4, 1998

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 4, 1998 as First Class Mail in an envelope addressed to: BOX DAC, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

*William D. Noonan* ~~RECEIVED~~  
 William D. Noonan, M.D.  
 Attorney for Applicant  
 DEC 8 1998  
 OFFICE OF PETITIONS  
 DEPUTY A/C PATENTS

EXPLANATION OF DELAY IN FILING PETITION TO REVIVE

ASSISTANT COMMISSIONER FOR PATENTS  
 Washington, DC 20231

The Notice of Missing Parts in this application was never received by the applicant's attorney. The first notification applicants had that the application had become abandoned was the Notice of Abandonment dated November 16, 1998, which was received by applicant's attorney on November 30, 1998.

Since applicant's attorney had received the postcard receipt from the Patent and Trademark Office (PTO) (copy attached), this case had been removed from the attorney's docket, because receipt of the application had been confirmed by the PTO. According to the Notice of Abandonment, a Notice of Missing Parts was mailed on May 6, 1997, and it is expected that a two month period set for response was set, making a response due by July 6, 1997. That Notice of Missing Parts was never received at applicant's attorney's firm.

All documents received from the PTO are processed through the firm's docketing department, and entered into the docketing system. No entry for July 6, 1997 (the date that the Missing Parts would presumably have been due) appears in the firm's docketing calendar (a copy of all entries for that date is attached). Moreover, there is no

copy of the Notice of Missing Parts in the file, and there is no entry on the front of the file, under the heading of Actions and Amendments, indicating that a Notice of Missing Parts was ever received from the PTO. It is the policy of the firm that all documents filed with and received from the PTO are entered on the front of the file when they are placed in the file. A copy of the front of the file is attached, showing only that the Information Disclosure Statement was filed on May 12, 1997.

Applicant's have no record of having received the Notice of Missing Parts. Although a Petition to Revive has been filed with the appropriate fee, applicant requests that the \$605 fee be refunded and the holding of abandonment be withdrawn.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

By \_\_\_\_\_

William D. Noonan, M.D.  
Registration No. 30,878

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391

cc: Gerald O.S. Oyen, Esq.  
S:\WPDOCS\WDN\FORMS\TRANSMIS.PAR

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Docket		Matter		Matter Description		Action	Page	1
Date	Client	Number	Response	Due		Official Number		
07/03/98	04238	P37096			NATURAL ANTIOXIDANT COMPOSITIONS	INSTRUCTIONS		
	SHAKLEE CORP. (INT'		DEF. EXAM			INSTR TO ASSOC	6/18/98	171179-91 JAPAN
			REMOVE - Comment:					
07/03/98	04359	P41724			XANTHONE ANALOGS FOR THE TREATMENT OF I	2 MON EXTENSION		
	INTERLAB, INC.		DJE		3 MON OFFICE ACTION		08/619063	USA
			REMOVE - Comment:					
07/03/98	04450	P44297			A TRUCK WITH MONITORED AND RESETTABLE E	3 MON RESPONSE		
	FREIGHTLINER CORPOR		DPP		3 MON OFFICE ACTION		08/673697	USA
			REMOVE - Comment:					
07/03/98	04805	P46559			APPLE TREE NAMED "Pi-A 11,124	EXTENSION		
	TREE CONNECTION		DPP		MISSING PARTS	TO PTO 6/17/98	09/003093	USA
			REMOVE - Comment:					
07/03/98	04371	L46798			EDX ENGINEERING, INC. V. ADVANCED SIGNA	DEF TEST CLOSE		
	EDX ENGINEERING, IN		DPP		DEF. TESTIMONY CLOSE		26,116	
			GAW		DISPOSITIVE MOTIONS			
			REMOVE - Comment:					
07/03/98	05564	L47342			CASCADE MICROTECH, INC. V. MICROMANIPUL	MOTIONS DUE		
	MICROMANIPULATOR CO		JEG		DISPOSITIVE MOTIONS		97-479-AI	
			REMOVE - Comment:					
07/03/98	04239	P47578			IDENTIFICATION OF THE NIEMANN-PICK C GE	PROV/FFDEADLINE		
	NATIONAL INSTITUTES		WDN		PROVISIONAL APPLICATION DATES		60/051682	
			DJE		RESPONSE			
			REMOVE - Comment:					
07/03/98	00450	L48793			FRANK T. BUCKLEY, JR. V. PACCAR INC., E	RESPONSE		
	FREIGHTLINER CORPOR				RESP TO BUCKLEY'S 1ST INTERROGS		AW-97-3425	
							DISTRICT OF MARYL	

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Printed: 07/02/98

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Docket	Date	Client	Matter Number	Matter Description	Page 2
JDV	JTJ			Response Due	===== Action Remark Official Number Country/Court
07/03/98 01505	UNIVERSITY OF OREGO	P48819	VARIABLE BARRIER DIODE PROVISIONAL APPLICATION DATES	PROV/FPL EXT	60/067798 USA
			REMOVE - Comment: _____		
07/03/98 00612	SLC TECHNOLOGIES	T49351	KEYSAFE OFFICE LETTER	REPLY DUE TO BE ABANDONED	12136/97 HONG KONG
			REMOVE - Comment: _____		
07/03/98 00612	SLC TECHNOLOGIES	T49352	KEYSAFE OFFICIAL LETTER	RESPONSE DUE TO BE ABANDONED	12135/97 HONG KONG
			REMOVE - Comment: _____		
07/03/98 00450	FREIGHTLINER CORPOR	P49775	TRUCK RAIL FRAME IDS	IDS	09/054938 USA
			REMOVE - Comment: _____		
/03/98 03382	MICROSOFT CORPORATI	P49989	METHOD AND SYSTEM FOR VIEW-DEPENDENT RE PCT DEADLINES	PRECAUT DESIGNT	US98/06623 PATENT COOPERATIO
			REMOVE - Comment: _____		
07/03/98 03382	MICROSOFT CORPORATI	P49990	METHOD AND SYSTEM FOR ADAPTIVE REFINEME PCT DEADLINES	PRECAUT DESIGNT	US98/06692 PATENT COOPERATIO
			REMOVE - Comment: _____		
07/04/98 01655	COLUMBIA TRAILER CO	P35342	TRAILER DUMPER DEF. EXAM	DEF. EXAM	2046194 CANADA
			REMOVE - Comment: _____		

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Docket	Date	Client	Matter Number	Matter Description	Response Due	Action	Page	3
<b>Best Available Copy</b>								
07/04/98 05265		RUSSELL R. HOLTZ	P46618	METHOD OF IMPROVING OUTCOME OF CARDIOPU	PCT DEADLINES	CHAPTER II DEMD	US97/22103	PATENT COOPERATIVE
WDN				REMOVE - Comment:				
07/04/98 03812	RJP DUE	FANCONI ANEMIA RESE	P48615	CDNA FOR FANCONI ANEMIA COMPLEMENTATION	PCT DEADLINES	NAT'L PHASE 21M	US97/18010	PATENT COOPERATIVE
WDN SCS AWB				REMOVE - Comment:				
07/04/98 04239		NATIONAL INSTITUTES	P49873	CYCLIN DEPENDENT KINASE (CDK) 4 INHIBIT	INVITATION TO CORRECT DEFECTS	REPLY	US98/08602	PATENT COOPERATIVE
07/05/98 00449	JKS	FRED MEYER, INC.	T34454	GLACIERS EDGE	SEC 8 & 15	6 MON REMINDER	120275	USA
07/05/98 01011	P RAK	MENTOR GRAPHICS COR	T35332	IDEALEASE	SEC 8 & 15	6 MON REMINDER	192505	USA
07/05/98 03847	JSL	PENNTech PAPERS, IN	T35785	PENNCOPY & DESIGN	SEC 8 & 15	6 MON REMINDER	121559	USA
07/05/98 00449	JKS	FRED MEYER, INC.	T36427	FRED BEAR	SEC 8 & 15	6 MON REMINDER	272855	USA
07/05/98 00245				REMOVE - Comment:				
P37849				WASTE TREATMENT SYSTEM EMPLOYING OPEN C	1 MON EXTENSION		08/730514	

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Printed: 07/02/98

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Docket	Date	Client	Matter Number	Matter Description	Action	Official Number
RJP	DJE	OREGON STATE UNIVER	3	MON FINAL OFFICE ACTION	Remark	Country/Court
		REMOVE - Comment: _____			USA	
07/05/98	03897	BLOUNT, INC.	T38184	SPEER TM RENEWAL	2 MON REMINDER	135772 USA
		REMOVE - Comment: _____				
07/05/98	03382	SAW	P41920	MORPHOLOGICAL SEARCH AND REPLACE NOTIFICATION OF NON-COMPLIANCE	RESPONSE	08/491750 USA
		REMOVE - Comment: _____				
07/05/98	02621	RJP DPP	T44680	METRO ONE "COOLING-OFF" PHASE TERMINATES	"COOLING-OFF"	139758 COMMUNITY TRADEM
		REMOVE - Comment: _____				
07/05/98	04641	DLS JSL	P45599	ENVIRONMENTAL SCANNING ELECTRON MICROSC 3 MON OFFICE ACTION	6 MON DEADLINE TO BE ABANDONED PER CLT 3	08/732163 USA
		REMOVE - Comment: _____				
07/05/98	04630	JC DLS	P45757	CONDITIONALLY MALE FERTILE PLANTS AND M	2 MON REMINDER	08/718229 USA
		AED	3	MON FINAL OFFICE ACTION		
		REMOVE - Comment: _____				
07/05/98	00450	JDV JTJ	L48793	FRANK T. BUCKLEY, JR. V. PACCAR INC., E	RESP DOC REQS	AW-97-3425 DISTRICT OF MARYL
		FREIGHTLINER CORPOR	3	RESP TO BUCKLEY'S 1ST DOC REQUESTS		
		REMOVE - Comment: _____				
07/05/98	05050	JSL LMC	T49111	CONSIDER IT DONE. FOREIGN FILING	FF DEADLINE FFL SENT 4/6/98	75/415040 USA
		BOISE CASCADE OFFIC	10			

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Printed: 07/02/98

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Docket Date Client Matter Number Response Due Action  
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REMOVE - Comment:   

07/06/98 02791 SEQUENT COMPUTER SY T39570 DYNIX POSSIBLE OPPOSITION  
DPP  
=====  
REMOVE - Comment:   

07/06/98 03382 MICROSOFT CORPORATI P43001 A METHOD AND SYSTEM FOR RENDERING GRAPH 3 MON RESPONSE  
JRM WYC 3 MON FINAL OFFICE ACTION FILED BY FAX 6/8/98  
=====  
REMOVE - Comment:   

07/06/98 01505 UNIVERSITY OF OREGO P43566 METHODS FOR FUNCTIONALIZING AND COATING EXTENSION  
SCS  
=====  
REMOVE - Comment:   

07/06/98 04420 TRANSLOGIC P44118 GATE ARRAY WITH FULLY WIRED MULTIPLEXER DEADLINE  
MLB RFS ISSUE FEE TO PTO 5/29/98, PC REC'D  
=====  
REMOVE - Comment:   

07/06/98 04641 NIKON P45472 EXPOSURE METHOD AND DEVICE DEADLINE  
DLS JSL ISSUE FEE  
=====  
REMOVE - Comment:   

07/06/98 00612 SLC TECHNOLOGIES T46229 SUPRA DEADLINE  
WYC GVB FILE EVIDENCE RE REVOCATION ACTION  
=====  
REMOVE - Comment:   

07/06/98 05763 NIKE INTERNATIONAL, P47861 ELEMENT OF A MIDSOLE DEADLINE  
GAW KJB EXAMINER'S REPORT  
=====  
REMOVE - Comment:   

1997-1595  
CANADA

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Docket Date	Client	Matter Number	Matter Description	Action	Official Number	Page
			Response Due	Remark	Country/Court	6
07/06/98 00245	OREGON STATE UNIVER	P48291	FLORAL HOMEOTIC GENES FOR MANIPULATION	STATUS CHECK	60/080851	
DJE RJP			APPLICATION STATUS		USA	
			REMOVE - Comment:			
07/06/98 04641	NIKON	P48406	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER	MISSING PARTS	09/048236	
DLS JSL	LMC		MISSING PARTS		USA	
			REMOVE - Comment:			
07/06/98 04239	NATIONAL INSTITUTES	P48989	INHIBITION OF IGE-MEDIATED ALLERGIES BY PCT DEADLINES	CHAPTER II DEMD	US97/22348	
WDN DJE					PATENT COOPERATIV	
			REMOVE - Comment:			
07/06/98 04239	NATIONAL INSTITUTES	P48989	INHIBITION OF IGE-MEDIATED ALLERGIES BY FILE CHAPTER II DEMAND	FILE DEMAND	US97/22348	
WDN DJE			FILE CHAPTER II DEMAND	#029-98	PATENT COOPERATIV	
			REMOVE - Comment:			
07/06/98 03382	MICROSOFT CORPORATI	L49466	REIFFIN V. MICROSOFT CORP.	DISCLOSURE	C98-00266VRW	
J DV	JEG RFS		INITIAL DISCLOSURE OF PRIOR ART		N.D. CAL.	
			REMOVE - Comment:			
07/06/98 04641	NIKON	P49555	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER	IDS	09/055814	
DLS JSL	MJ		IDS		USA	
			REMOVE - Comment:			
07/06/98 04641	NIKON	P49555	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER	STATUS CHECK	09/055814	
DLS JSL	MJ		APPLICATION STATUS		USA	
			REMOVE - Comment:			
07/06/98 04239	NATIONAL INSTITUTES	P49685	MAMMALIAN SELENOPROTEIN DIFFERENTIALLY	STATUS CHECK	60/080850	
			APPLICATION STATUS		USA	

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Printed: 07/02/98

Docket		Matter Number	Matter Description	Action	Page	7
Date	Client	Response Due	Remark	Official Number		
WDN	DJE	REMOVE - Comment:		Country/Court		
07/06/98	00699	UMPQUA FEATHER MERC	T49866	HATCH BOX FOREIGN FILING	FF LETTER	75/463061 USA
07/06/98	00699	UMPQUA FEATHER MERC	T49866	HATCH BOX APPLICATION STATUS	STATUS CHECK	75/463054 USA
07/06/98	00699	UMPQUA FEATHER MERC	T49867	FLIES WITH ATTITUDE APPLICATION STATUS	STATUS CHECK	75/463278 USA
07/06/98	00699	UMPQUA FEATHER MERC	T49868	WEIGHT FORWARD FOREIGN FILING	FF LETTER	75/463278 USA
07/06/98	00699	UMPQUA FEATHER MERC	T49868	WEIGHT FORWARD APPLICATION STATUS	STATUS CHECK	75/463054 USA
07/06/98	00245	OREGON STATE UNIVER	P49877	ZEATIN O-GLUCOSYLTRANSFERASE GENE APPLICATION STATUS	STATUS CHECK	60/080852 USA
07/06/98	04050	GOTEBORGS PATENTBYR	P49927	METHOD FOR PRODUCTION OF NUTRITION PHYS IDS	IDS	09/051270 USA
	LMC	REMOVE - Comment:				

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Docket Date	Client	Matter Number	Matter Description	Action	Official Number
			Response Due	Remark	Country/Court

07/06/98 04050 P49927 METHOD FOR PRODUCTION OF NUTRITION PHYS STATUS CHECK  
GOTEBORGS PATENTBYR APPLICATION STATUS  
LMC *Jh* REMOVE - Comment: \_\_\_\_\_

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\* \* \* M A S T E R D O C K E T P R I N T J O B C O M P L E T E D \* \* \*

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Patent No.	USA		
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Client Name: Gerald Wiggs, Brad & Mullola		Inventor(s): Robert B. Rieley																																																																																																																																	
Patent Date	Application No. 08/1804,903	Title: <i>Method and Composition for the Treatment of Diabetes</i>																																																																																																																																	
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